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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,580	01/12/2007	Randal L. Wimberly	1064-002	8025
1009 7590 08/18/2008 KING & SCHICKLI, PLLC 247 NORTH BROADWAY LEXINGTON, KY 40507				
EXAMINER				
NEILS, PEGGY A				
ART UNIT		PAPER NUMBER		
2885				
MAIL DATE		DELIVERY MODE		
08/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/577,580

Applicant(s)

WIMBERLY, RANDAL L.

Examiner

PEGGY A. NEILS

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-23 is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/88)
- Paper No(s)/Mail Date 7/24/2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Price.

Price shows a lighting system which includes a first ellipsoid reflector 2 with a first focal point and light source 1 positioned therein and a second spherical reflector with its focus located at the positioned of the light source. As shown in Figure 1, the depth of the first reflector 2 is greater than the depth of the second reflector 4. The first reflector includes an aperture (not numbered) for positioning the light source and the second reflector 4 includes an aperture 14 through which the light exits. The first reflector also contains an opening (not numbered) for the emitted light (claim 3) and is in alignment with the central longitudinal axis defined by both reflectors (claim 5). As shown in Figure 1, the focal points of both reflectors are positioned along the same axis (claim 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Davis et al.

Price positions the light source in an aperture that is perpendicular to the longitudinal axis of the reflectors. Davis et al teaches that it is known in the art to have a lighting system with two reflectors with a light source positioned in an aperture along the longitudinal axis. It would have been obvious to one skilled in the art that Price could be modified to position the light source along the longitudinal axis in the same manner as taught by Davis et al because the orientation of the light source is not critical and changing the orientation of the light source makes for a more compact support arrangement.

Claims 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Bishop et al.

Price shows a lighting system which includes a first ellipsoid reflector 2 with a first focal point and light source 1 positioned therein and a second spherical reflector with its focus located at the position of the light source. As shown in Figure 1, the depth of the first reflector 2 is greater than the depth of the second reflector 4. The first reflector includes an aperture (not numbered) for positioning the light source and the second reflector 4 includes an aperture 14 through which the light exits (claims 9 and 14). The first reflector also contains an opening (not numbered) for the emitted light (claims 10 and 15) and is in alignment with the central longitudinal axis defined by both reflectors (claims 11 and 16). As shown in Figure 1, the focal points of both reflectors are positioned along the same axis (claim 6). Price positions the light source in an aperture

that is perpendicular to the longitudinal axis of the reflectors. Bishop et al teaches that it is known in the art to have a lighting system with two reflectors with a light source having at least two filaments positioned in an aperture along the longitudinal axis. It would have been obvious to one skilled in the art that Price could be modified to position the light source along the longitudinal axis in the same manner as taught by Bishop et al because the orientation of the light source and the type of light source used is not critical and changing the orientation of the light source makes for a more compact support arrangement.

Allowable Subject Matter

Claims 18-23 are allowed.

The following is an examiner's statement of reasons for allowance: Claims 18-23 are considered to set forth allowable subject matter because Claim 18 sets forth a lamp envelope which comprises a first reflector with a first depth and a second reflector having a second depth which is less than the depth of the first reflector with both reflectors having the same focal point and the lamp consisting of two filament supports disposed in the interior of the envelope with a base supporting the filament and with the filament located at the position of the focal points. This combination of limitations was not shown or suggested by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Okuchi, Roberts et al, Holten and Daniel are cited of interest. Any inquiry concerning this communication or earlier communications should be directed to Examiner Neils at (571) 272-2377 on a Monday, Tuesday or Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong (James) Lee can be reached on (571) 272-7044.

PAN

/Stephen F. Husar/
Primary Examiner, Art Unit 2875